

Sec. 4. Said 87th District Court shall continue with the trial of cases and the performances of the duties enjoined on it by law until January 1st, 1933, at which time it shall no longer exist and shall be abolished.

Sec. 5. The shortness of the term and the fact that preparation should be immediately begun for the disposal of the cases pending in said Court creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended, and it is so enacted.

FIFTIETH DAY.

Senate Chamber,
Austin, Texas, March 25, 1931.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Williamson.

Petitions and Memorials.
(See Appendix.)

Committee Reports.
(See Appendix.)

Bills and Resolutions.

Point of Order.

Senator Woodul inquired whether or not House bills preceded joint resolutions on House bill days.

The Chair, Lieutenant Governor Edgar E. Witt, held that on House bill days the House bills were part of the morning call and that Joint Rule No. 24 placed joint resolutions on the calendar after the morning call; therefore, House bills preceded joint resolutions on the calendar.

H. C. R. No. 33.

The Chair laid before the Senate:

H. C. R. No. 33, Relating to a poet laureate for Texas.

Read and adopted.

Free Conference Requested.

On motion of Senator Moore, the Senate refused to concur in House amendments to S. B. No. 103 and requested a Free Conference Committee.

House Bill No. 6.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 6, A bill to be entitled "An Act further regulating the practice of medicine within this State requiring the payment of annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners, etc., and declaring an emergency."

Read second time.

Amend House Bill No. 6 by striking out the words "a special fund to be" in line 39, page 3 of the printed bill, and the words "known as the 'Medical Registration Fund' in line 40, page 3 thereof, and insert in lieu thereof the words "the general revenue."

PARRISH.

The amendment was read.

Senator Moore raised the point of order that this amendment was out of order because it was written to apply to the printed House bill instead of the bill as printed in the Senate Journal which was the bill the Senate was considering.

The Chair requested Senator Par-

rish to correct his amendment accordingly.

Senator Parrish changed the words "in line 39, page 3, of the printed bill" to read "in Sec. 3, page 681 of the Senate Journal," and the words "in line 40, page 3" to read "in Sec. 3, page 681."

The amendment was lost by the following vote:

Yeas—6.

DeBerry.	Parrish.
Gainer.	Poage.
Martin.	Woodruff.

Nays—22.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Moore.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Greer.

(Pairs Recorded.)

Senator Cunningham present, who would vote yea with Senator Russek absent, who would vote nay.

Senator Parrish sent up the following amendment:

Amend House Bill No. 6 by inserting after the word "such in line 6, Section 3, Page 682 of the Senate Journal, the words "appointments and," and insert after the word "direction" in lines 7 and 8, Section 3, Page 682 thereof, the following: "of the Attorney General."

PARRISH.

The amendment was read.

Senator Hornsby moved to table the amendment.

Senator Hornsby moved the previous question on the amendment and the bill. The previous question was ordered.

The motion to table the amendment prevailed.

The bill was passed to engrossment.

On motion of Senator Hornsby the constitutional rule requiring bills to

be read on three several days was suspended and H. B. No. 6 was put on its third reading and final passage, by the following vote:

Yeas—29.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—1.

Martin.

Absent.

Russek.

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Parr.
Berkeley.	Patton.
Cousins.	Pollard.
Gainer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—4.

DeBerry.	Parrish.
Martin.	Poage.

Absent.

Greer.

Pairs Recorded.

Senator Cunningham present, who would vote nay with Senator Russek absent, who would vote yea.

Col. Easterwood Speaks.

The Chair appointed Senators Pollard and Cunningham to escort Col. William Easterwood to the platform.

The Chair introduced Senator Pollard who introduced Col. Easterwood.

Col. Easterwood briefly addressed the Senate.

Committee from the House.

The Chair recognized the Doorkeeper who introduced a Committee from the House. The Chairman of the Committee invited the Senate to the House at 3 p. m., to hear the address by Hon. Charles G. Wood, as provided by H. C. R. No. 42.

Bills Signed.

The Chair Lieutenant Governor Edgar E. Witt gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill:

H. B. No. 30.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 30 by a vote of 107 yeas and 1 nay.

The House has concurred in Senate Amendments to H. B. No. 574 by a vote of 108 yeas and 1 nay.

Respectfully submitted,
LOUISE SNOW PHINNEY,

Hall of the House of Representatives,
Austin, Texas, March 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 547, A bill to be entitled "An Act imposing a privilege tax on persons producing natural gas as defined in this act, including persons importing gasoline who sell the same in intrastate commerce within this State; providing a graduated scale and basis for said tax, and prescribing manner and time of payment thereof; providing for deduction for evaporation and loss; requiring certain records to be kept, etc., and declaring an emergency."

H. B. No. 882, A bill to be entitled "An Act providing that certain cities

having the population requirements set forth therein may acquire and own special assessment certificates issued in connection with street improvements, that such cities may pledge and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this Act, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 131.

The Chair laid before the Senate by unanimous consent the following bill:

H. B. No. 131, A bill to be entitled "An Act to amend subdivision 6 of Article 199, Title 8, of the Revised Civil Statutes of Texas of 1925, the same fixing the time and prescribing the number of terms of district court in and for the Sixth Judicial District of Texas, by providing for and prescribing an additional term of said court in Fannin County, and further providing that the judge of the Sixth Judicial District shall convene a grand jury in Fannin County at only two terms of said court in each year, unless in his judgment it be necessary for a grand jury at either or both of the remaining terms, and repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and passed to 3rd reading.

On motion of Senator Loy the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 131 was put on its third reading and final passage, by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent-Excused.

Russek.

Read third time and finally passed
by the following vote:

Yeas—30.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent-Excused.

Russek.

House Bill No. 255.

The Chair laid before the Senate
on its second reading the following
bill:

H. B. No. 255, A bill to be entitled
"An Act to amend Article 698 of the
Code of Criminal Procedure of the
State of Texas; providing that the
proper judgment be entered on ver-
dicts; providing that in misdemeanor
cases where the verdict or plea is
guilty and the punishment is by fine
only, the court or judge may defer
judgment; providing judgment; pro-
viding for recognizance or bail for
the defendant, and declaring an
emergency."

The committee report was adopted.

The bill was read second time.

Senator Woodward sent up the
following amendment:

Amend H. B. No. 255 by striking
out of lines 28 and 29 the words,
"unless same is likewise again de-
ferred by the court or judge thereof
within the period above mentioned."

WOODWARD.

Read and adopted.

Senator Purl sent up the follow-
ing amendment:

Amend H. B. No. 255 by striking
out the following in line 22 Sec. 1
"there is returned a verdict."

PURL.

The amendment was read.

Senator Cousins moved to table
the amendment. The motion pre-
vailed.

Senator Purl moved to recess until
2 o'clock p. m. The motion was lost.

Senator Cousins moved the pre-
vious question on the bill. The pre-
vious question was ordered.

The bill was passed to third read-
ing.

On motion of Senator Hornsby the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. No. 255 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Rawlings.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Hornsby.	Williamson.
Loy.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Nays—2.

Oneal.	Purl.
--------	-------

Absent-Excused.

Russek.

Read third time.

Senator Purl moved to recess until
2 o'clock. The motion was lost by
the following vote:

Yeas—7.

DeBerry.	Patton.
Loy.	Purl.
Oneal.	Small.
Parrish.	

Nays—20.

Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Poage.
Gainer.	Rawlings.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Absent.

Beck. Pollard.
Greer.

Absent—Excused.

Russek.

The bill was finally passed.

Motion to Recess.

Senator Cousins moved to recess until 2 o'clock p. m. The motion was lost.

Motion to Reconsider.

Senator Purl spread on the Journal a motion to reconsider the vote by which H. B. No. 255 was finally passed.

Senator Woodward called up the motion and moved to table it.

Senator Purl moved to recess until 2 o'clock p. m. The motion was lost.

Senator Williamson raised the point of order that the motion was not debatable because the bill was passed finally while the Senate was operating under the previous question.

The Chair sustained the point of order.

Recess.

On motion of Senator Woodward, the Senate, at 12:20 o'clock p. m., recessed until 3 o'clock p. m.

After Recess.

The Senate met at 3 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Joint Session.

On motion of Senator Woodul, the Senate stood at ease until after the joint session to hear Mr. Wood.

The Chair appointed Senators Woodul, Hornsby and Purl to represent the Senate in escorting Mr. Wood to the platform in the House.

At 3 o'clock the Chair announced that the hour for the joint session had arrived. The Senate retired to the House.

After Joint Session.

The Senate returned to the Senate Chamber at 3:38 o'clock.

House Bill No. 467.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 467, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than 36,000 nor more than 36,100 according to the Federal census of 1930; providing for office assistants and salaries, providing for office expenses, repealing all laws in conflict herewith, and declaring an emergency."

Read second time and, on motion of Senator Hornsby, laid on the table subject to call.

House Bill No. 470.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 470, A bill to be entitled "An Act authorizing county boards of school trustees, in certain counties of Texas, to employ rural school supervisors in lieu of holding teachers' institutes, defining their duties and fixing their compensation, and declaring an emergency."

Read second time and, on motion of Senator Hornsby, laid on the table subject to call.

House Bill No. 723.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 723, A bill to be entitled "An Act to make it unlawful to take or kill wild turkey for a period of five years in Haskell, Jones and Throckmorton counties, Texas; fixing a penalty, and declaring an emergency."

Read second time, and on motion of Senator Parr, laid on the table subject to call.

House Bill No. 467.

Senator Woodward called up from the table H. B. No. 467.

The committee amendment was adopted.

On motion of Senator Woodward, the bill was laid on the table subject to call.

Executive Session Set.

On motion of Senator Pollard, the Senate voted to go into executive

session tomorrow morning at 11 o'clock.

House Bill No. 808.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 808, A bill to be entitled "An Act making it lawful to take or catch catfish, perch, buffalo, and drum in any of the waters of Delta, Hopkins or Franklin counties, with a seine having meshes two inches square, and declaring an emergency."

The committee report was adopted.

The bill was read second time.

Senator DeBerry sent up the following amendment:

Amend H. B. No. 808 by inserting after the word "square," sec 4 page 1 the following "during the open season only."

DeBERRY.

Read and adopted.

The bill passed to 3rd reading.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 808 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Holbrook.
Berkeley.	Hopkins.
Cousins.	Hornsby.
Cunningham.	Loy.
DeBerry.	Martin.
Gainer.	Moore.
Greer.	Neal.
Hardin.	Oneal.

Parr.	Small.
Parrish.	Stevenson.
Patton.	Thomason.
Poage.	Williamson.
Pollard.	Woodruff.
Purl.	Woodul.
Rawlings.	Woodward.
Russek.	

Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 574.

H. C. R. No. 33.

Free Conference Committee Appointed.

The Chair announced the appointment of the following conference Committee on S. B. No. 103:

Senators Beck, Moore, Thomason, Small and Patton.

Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department.

Austin, Texas, March 25, 1931.

To the Senate of the State of Texas:
Subject to your confirmation I have appointed the following persons as Commissioners of the Goliad State Park for the ensuing statutory term, namely:

Honorable J. A. White of Goliad, Texas, Honorable W. E. Fowler of Goliad, Texas, Mrs. Ida LeMaster of Goliad, Texas.

Respectfully,
R. S. STERLING,
Governor.

Read and referred to Committee on Governors Nominations.

House Bills Referred.

H. B. No. 82 referred to Committee on Towns and City Corporations.

H. B. No. 547 referred to Committee on State Affairs.

Committee Scheduled Revised.

Senator Moore sent up the following motion:

I moved that the Senate amend committee meeting schedule on page 624 of the Senate Journal by adding the word "State Affairs" to Thursday at 8 p. m."

MOORE.

Read and adopted.

(See last page of today's Journal for corrected schedule.—Journal Clerk.)

House Bill No. 683.

The Chair laid before the Senate on its second reading the following bill:

H. B. No. 683. A bill to be entitled "An Act to provide that the State Highway Commission shall be authorized to require that all contracts for the construction, maintenance and improvement of any designated State highway shall contain a provision that no person will be employed by the contractor to perform manual labor in the course of such work at a wage of less than thirty cents per hour; fixing penalties; and providing for the enforcement of such contract, and declaring an emergency."

Senator Cousins moved to indefinitely postpone further consideration of this bill.

Senator Purl moved to table the motion. The motion to table prevailed by the following vote:

Yeas—20.

Berkeley.	Patton.
Cunningham.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Loy.	Small.
Moore.	Williamson.
Neal.	Woodruff.
Oneal.	Woodul.
Parrish.	Woodward.

Nays—9.

Beck.	Hornsby.
Cousins.	Parr.
DeBerry.	Russek.
Holbrook.	Thomason.
Hopkins.	

(Pairs Recorded.)

Senator Martin present, who would vote nay with Senator Stevenson absent, who would vote yea.

Senator Woodruff moved to recom-

mit the bill to the Committee on Highways and Motor Traffic.

Senator Purl moved to table the motion.

On motion of Senator Loy, the previous question was ordered on the motion and the further consideration of the bill.

Senator Purl moved to reconsider the vote by which the previous question was ordered. The motion to reconsider prevailed by the following vote:

Yeas—16.

Berkeley.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Loy.	Small.
Moore.	Williamson.
Neal.	Woodul.
Parrish.	Woodward.

Nays—14.

Beck.	Martin.
Cousins.	Oneal.
Cunningham.	Parr.
DeBerry.	Poage.
Holbrook.	Russek.
Hopkins.	Thomason.
Hornsby.	Woodruff.

Absent.

Stevenson.

The previous question failed to be ordered.

The motion to table the motion to recommit prevailed.

Senator Small sent up the following amendments:

Amend House Bill No. 683, Page 1, Line 39 after the word "hour" by adding the following: "and a working day of more than eight hours."
SMALL.

Amend House Bill No. 683, Page 1, Line 51, as follows:

"and maximum working day of eight hours."

SMALL.

The amendments were read.

Recess.

On motion of Senator Greer, the Senate, at 5:51 o'clock p. m., recessed until 10 o'clock tomorrow morning.

APPENDIX.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, March 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 13 correctly examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, March 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 337 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, March 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bill, have had Senate Bill No. 214 carefully examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 25, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 314, A bill to be entitled "An Act providing for the improvement and repair of Sam Houston Home and the grounds adjacent thereto in Huntsville, and for the maintenance of same; providing means and manner thereof; making appropriation therefor, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

BECK, Chairman.

Committee Room,

Austin, Texas, March 3, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Crim-

inal Jurisprudence, to whom was referred

S. B. No. 545. A bill to be entitled "An Act to amend Article 1379 of the Penal Statutes of 1925 so as to hereafter provide that whoever without the consent of the owner, shall knowingly cut down, or destroy any tree or timber upon any land not his own, or shall knowingly and without such consent, carry away any such timber; or whoever shall knowingly or negligently cut, destroy or mutilate, or move any native tree, shrub, or any portion of any native tree or shrub, or any fern, or any tree or shrub whatsoever, growing upon any State or County highway, or any City Street; or whoever, shall knowingly or negligently cut, destroy, or mutilate or move any native tree, shrub or portion of any native tree or shrub, or any fern, or any tree or shrub whatsoever, upon and from any land not his own for the purpose of selling any such tree, shrub or fern, or for commercial purposes whatsoever, without a written permit, shall be fined not less than \$10.00 nor more than \$500.00, providing for the contents of said permit and for the recording of same with the County Clerk; defining "timber" and "owner;" making exceptions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 24, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 542. A bill to be entitled "An Act to amend Article 429 of the Penal Code of 1925 of the State of Texas, so as to make it an offense to falsely assume or pretend to be a State Ranger; increasing the punishment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

H. B. No. 761, A bill to be entitled "An Act to amend Article 1160, Penal Code, 1925, relating to the offense of assault with intent to murder, and adding to Chapter 4, Title 15, Penal Code of the State of Texas, Article 1160a, providing that upon the trial of one charged with the offense mentioned there shall be an instruction defining malice aforethought, and in a proper case, murder without malice; fixing the penalty for assault with intent to murder without malice; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 565, A bill to be entitled "An Act to amend Article 835 of Title 10 of the Code of Criminal Procedure of the State of Texas of 1925, relating to bail in criminal cases pending appeal; providing for surrender of appellant by his sureties pending appeal; providing for the giving of new bail by appellant when so surrendered; providing for new bail in case of defective appeal bond or recognizance pending appeal; providing for commitment of appellant upon failure to enter into such new bail; providing for jurisdiction of the appellate court in such cases and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal

Jurisprudence, to whom was referred

S. B. No. 584, A bill to be entitled "An Act providing that fees in felony cases payable by the State shall be limited to three cases against the same defendant; repealing conflicting laws, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 760, A bill to be entitled "An Act to amend Chapter 274, Acts of the 40th Legislature, Regular Session as amended by Chapter 8, Acts of the 40th Legislature, First Called Session. Relating to the offense of murder, providing additional procedure for instructing the jury upon trial of the offense of murder and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 24, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 533, A bill to be entitled "An Act prohibiting any judge or officer of an election from betting or wagering on the election or nomination of any person; prohibiting betting or wagering on the number of votes polled or cast, or to be polled or cast in the precinct or voting box in which any officer is serving in certain cases; prescribing offenses and punishment; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 25, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

H. B. No. 81, A bill to be entitled
"An Act amending Chapter 17, Sec-
tions No. 1, No. 2, of the 39th Legis-
lature, Page 44, also amending Ar-
ticles 5160, 5161, 5162, and 5164,
Revised Civil Statutes of the State
of Texas, 1925, providing that any
one contracting within the State of
Texas or its Counties, or School Dis-
tricts, or any other subdivision, or
any municipality for the construc-
tion of public buildings, or the pros-
ecution and completion of any public
work there shall be retained not
less than ten per cent. (10%) of the
funds, or warrants, or bonds, or
certificates of assessments due and
to become due to the contractor on
the contract until final completion of
such contract; also providing that
any person, firm, corporation or
trust estate, furnishing any material
or labor to any contractor for any
public improvements in this State
shall have a lien on all moneys, or
bonds, or warrants, or certificates
of assessments due or to become due
such contractors, which lien shall
be preference lien providing that
such persons shall before payments
are made, notify in writing the of-
ficials whose duty it is to pay such
contractor of such claim and the
amount thereof, accompanied by
itemized and sworn account and pro-
viding for foreclosure of such lien.
Further providing that any person,
firm or corporation entering into
contract for public work shall be-
fore commencing such work, execute
a bond in an amount equal to fifty
per cent (50%) of the contract
price with solvent surety company
and providing for the condition of
such bond, suit thereon, which bond
shall inure to the benefit of the con-
tracting parties, laborers and mate-
rialment; Also providing that those
furnishing labor and material shall
file their claim, itemized and sworn
to, with the County Clerk of the
County where the contract is to be
performed, within ninety (90) days
after delivery of material and the
performance of the work and be
recorded in the mechanic's lien rec-

ord of such County. Also providing
the manner and means of suits on
such contract and bonds, as well as
for material and labor, foreclosures
of liens, venue of such suits, notices
to be given, and procedure to be
followed in bringing such suits; and
further providing that all sums,
money, warrants, bonds and certifi-
cates of assessments shall be de-
posited in the Court to be paid over
and distributed under the orders of
the Court; and declaring an emer-
gency."

Have had the same under con-
sideration and I am instructed to
report it back to the Senate with the
recommendation that the bill do not
pass but that the Committee Substi-
tute, together with amendments
hereto attached, do pass in lieu
thereof.

WOODWARD, Chairman.

Committee Amendment No. 1.

Amend H. B. No. 81, by Bond,
by striking out all above the enact-
ing clause and substituting in lieu
thereof the following:

A BILL

To Be Entitled

An Act amending Articles 5161,
5162, 5163, 5164, and 5160, of the
Revised Civil Statutes of 1925, as
amended by Chapter 39, First Called
Session of the 40th Legislature, and
Chapter 226, Acts of the Regular
Session of the 41st Legislature; and
declaring an emergency."

Committee Amendment No. 2.

Amend House Bill No. 81 Section
3, page 4, of the substituted bill
by striking out on line 18, beginning
with the words "provided that" and
striking out the remainder of Sec-
tion 6, and inserting in lieu thereof
the following: "provided that if the
contractor quits or abandons the
contract before the consummation
of the contract and the contractor
and surety make default in the pay-
ment of any claim, written notice
demand shall be made on the Surety
Company for the payment of said
claim before any attorney's fees
shall accrue, and if said claim is
not paid within 90 days after notice
and demand is made for the payment
of said claim, suit may be insti-
tuted by any such creditor on the

bond of the contractor and foreclosure of such lien on the monies, warrants and bonds due the contractor and shall be commenced within one year after the abandonment of said contract and not later. Where suit is instituted by a creditor or by creditors only one action shall be brought, and any creditor may file his claim in such action and shall be made a party hereto, and in case suit is brought on said claim or claims, such claim or claims shall bear interest at the rate of 6% per cent from the date said notice is given and 10% per cent additional as attorney's fees shall be added to such claim or claims."

BOND.

Committee Amendment No. 3.

Amend committee substitute for House Bill No. 81 as follows: by striking out of Section C, page 2, the words and figures "twenty (20%)" and insert in lieu thereof the words "ten (10%)."

WOODRUFF.

Committee Amendment No. 4.

Amend committee substitute for House Bill No. 81 as follows: by striking out of Subdivision B, page 1 of the substitute bill the words and figures "fifty (50%) per cent" and insert in lieu thereof the words "the full amount."

MARTIN.

Schedule of Committee Hearings (March 25, 1931.)

Time.	Monday.	Tuesday.	Wednesday.	Thursday.	
Immediately after adjournment.	Education.	1. Civil Jurisprudence. 2. Criminal Jurisprudence.	1. Finance. 2. Highways and Motor Traffic. (Subcommittee)	1. Civil Jurisprudence. 2. Criminal Jurisprudence.	E
8 p. m.	1. Finance. 2. Highways and Motor Traffic. (Subcommittee)	Highways and Motor Traffic	State Affairs	Highways and Motor Traffic (Subcommittee)	